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## ORISSA ELECTRICITY REGULATORY COMMISSION BIDYUT NIYAMAK BHAWAN UNIT VIII, BHUBANESWAR-751012

### NOTIFICATION

The 18th August 2010

No. 4706—OERC-Engg.-92/2003 (Vol. VI) (Part)— In exercise of powers conferred on it under Section 181 of the Electricity Act, 2003, the Orissa Electricity Regulatory Commission had framed the O.E.R.C. Distribution (Conditions of Supply) Code, 2004 which were published in the *Orissa Gazette*, Extraordinary No.710, dated 28th May, 2004. The said Regulations were amended five times vide amendments which were published in the *Orissa Gazettes*, Extraordinary Nos.1261, 1266 both dated 22nd September 2004, No.557, dated 24th March, 2007, 2066, dated 31st October 2007 and 1586, dated 26th October 2009. In the meanwhile the Distribution Companies in Orissa have requested to amend the existing provisions in the O.E.R.C. Distribution (Conditions of Supply) Code, 2004 regarding transfer of service connection facility being allowed to the cases under the State Financial Corporation Act, even if they have pending arrears against the previous occupier. It is also felt that old arrears in a premises is causing hindrance to the Distribution Licensees to effect new connection to the fresh occupiers having lawful occupation of the said premises. Due to the above existing provisions, the Distribution Licensees are facing difficulty in recovery of arrears.

In the meantime, the Commission has invited suggestions/opinions from the interested persons/institutions/associations on the aforesaid matter and decided in their order, dated 11th August 2010 in case Nos. 17,18 and 19/2010 for amendment to Regulations 10 and 13(10)(b) of O.E.R.C. Distribution(Conditions of Supply) Code, 2004. This calls for amendment in the Regulations 10 and 13(10)(b) of the Code in the following manner.

Accordingly, the Commission hereby notifies the following amendments of the O.E.R.C. Distribution (Conditions of Supply) Code, 2004 for information of the general public:—

**1. Short title and commencement –**

(i) These Regulations may be called the Orissa Electricity Regulatory Commission Distribution (Conditions of Supply) (6th Amendment) Code, 2010.

(ii) It shall come into force on the date of its publication in the Official Gazette.

**2. Amendment to Regulation 10:**

The Regulation 10 is substituted as follows:

“10(i) If the applicant in respect of an earlier agreement executed in his/her name or in the name of his spouse, parents or in the name of a firm or company with which he/she was associated either as a partner, director or managing director, is in arrears of electricity dues or other dues for the same premises payable to the licensee, the application for supply shall not be allowed by the Engineer until the arrears are paid in full.

(ii) Where applicant has purchased existing property and connection is lying disconnected, it shall be the duty of the applicant to verify that the previous owner has paid all dues to the Licensee and has obtained “no dues certificate” from the Licensee. In case “no dues certificate” is not obtained by the previous owner, the applicant before purchase of property may approach the Engineer of the Licensee for a “no dues certificate”. The Engineer shall acknowledge receipt of such request and shall either intimate in writing outstanding dues , if any, on the premises or issue “no dues certificate” within one month from the date of application. In case the Licensee does not intimate outstanding dues or issue “no dues certificate” within specified time, new connection on the premises shall not be denied on ground of outstanding dues of previous consumer.

(iii) Where a property/premises has been sub-divided , the outstanding dues for the consumption of energy on such premises, if any, shall be divided on *prorata* basis based on area of Subdivision.

(iv) A new connection to such sub-divided premises shall be given only after the share of outstanding dues attributed to such sub-divided premises is duly paid by the applicant. A Licensee shall not refuse connection to an applicant only on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicants.

(v) In case of complete demolition and reconstruction of the premises or the building, the existing installation shall be surrendered and agreement terminated. Meter and service line will be removed, and only fresh connection shall be arranged for the reconstructed premises or building, treating it as a new premises after clearing the old dues on the premises by the consumer(s).

(vi) Any charge for electricity or any sum other than charge for electricity as due and payable to Licensee which remains unpaid by a deceased consumer or the erstwhile owner/occupier of any land / premises as the case may be, shall be a charge on the premises transmitted to the legal representative/successor-in-law or transferred to the new owner/ occupier having lawful occupation of the premises as the case may be, and the same shall be recoverable by the license as due from such legal representative or successor-in- law or new owner / occupier having lawful occupation of the premises as the case may be.”

**3. Amendment to Regulation 13(10)(b):**

The proviso to Regulation 13(10)(b)

“Provided that this shall not be applicable when the ownership of the premises is transferred under the provisions of the State Financial Corporation Act” is omitted.

By order of the Commission

P. K. SWAIN

Secretary